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By _____

Raymond M. Speer
06/12/02

(Signature of person mailing)
Raymond M. Speer, Reg. No. 26,810

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **WATSON, ET AL.**

APPLICATION NO.: **09/476,253** : Examiner: **Cybille Delacroix-Muirheid**

FILING DATE: **December 30, 1999** : Group Art Unit: **1614**

TITLE: **PROKINETIC AGENTS FOR TREATING GASTRIC HYPERMOTILITY AND RELATED DISORDERS**

Commissioner for Patents
Washington, D.C. 20231

Sir:

APPLICANTS' SECOND SUPPLEMENTAL RESPONSE TO A REQUIREMENT OF RESTRICTION (35 U.S.C. § 121) DESIGNATED "C"

Responsive to the Office Action mailed April 23, 2002, please amend the above-identified application as follows:

**CLEAN COPY
ENTER**

In the Claims:

C Cancel Claims 40 and 41.

REMARKS

Responsive to the Office Action mailed April 23, 2002, please find Applicants' second supplemental response to the Examiner's requirement of restriction in the paragraphs that follow.

The Examiner has taken the position that Applicants' reply filed February 1, 2002 is not fully responsive to the prior Office Action because it does not completely address the election requirement raised in the Office Action mailed July 5, 2001. The Examiner contends that although Applicants have elected a single species as recited in Section I, a single auxiliary therapeutic agent as set forth in Claims 28 and 29, and a single therapeutic agent as set forth in Claims 40 and 41, Applicants have failed to indicate which of Claims 1-41 are readable on the newly elected species, as required by 37 C.F.R. § 1.111(b) and (c).

Responsive to the Examiner's further requirement, Applicants provide the designation of corresponding claims set out in the paragraphs that follow.

7/6/02
RP
7/22/02
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